

020404

14230 U.S. PTO

PTO/SB/05 (01-04)

Approved for use through 07/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office. U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. 040049
First Inventor Paul D. Hanke, et al.
Title Polynucleotides...
Express Mail Label No. EV 256982591 US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO:

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

- ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
- ☐ Applicant claims small entity status.
See 37 CFR 1.27.
- ☒ Specification [Total Pages 70]
(preferred arrangement set forth below)
- Descriptive title of the invention
- Cross Reference to Related Applications
- Statement Regarding Fed sponsored R & D
- Reference to sequence listing, a table,
or a computer program listing appendix
- Background of the Invention
- Brief Summary of the Invention
- Brief Description of the Drawings (if filed)
- Detailed Description
- Claim(s)
- Abstract of the Disclosure
- ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 36]
- Oath or Declaration [Total Sheets 8]
a. ☐ Newly executed (original or copy)
True and correct
b. ☒ Copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 18 completed)
i. ☐ DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s)
name in the prior application, see 37 CFR
1.63(d)(2) and 1.33(b).
- ☒ Application Data Sheet. See 37 CFR 1.76

- ☐ CD-ROM or CD-R in duplicate, large table or
Computer Program (Appendix)
- Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary)
a. ☒ Computer Readable Form (CRF)
b. Specification Sequence Listing on:
i. ☐ CD-ROM or CD-R (2 copies); or
ii. ☒ Paper (pages 1-67)
c. ☒ Declaration
Statements verifying identity of above copies letter

ACCOMPANYING APPLICATION PARTS

- ☒ Assignment Papers (cover sheet & document(s) (copies))
- ☒ 37 CFR 3.73(b) Statement ☒ Power of Attorney; Rev. 10A
(when there is an assignee)
- ☐ English Translation Document (if applicable)
- ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
- ☐ Preliminary Amendment
- ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
- ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)
- ☐ Nonpublication Request under 35 U.S.C. 122
(b)(2)(B)(i). Applicant must attach form PTO/SB/35
or its equivalent.
- ☒ Other Statement Microorganism
Deposit

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP) of prior application No. 09/722,441

Prior application information:

Examiner

Kathleen M. Kerr

Art Unit:

1652

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

☐ Customer Number: OR ☒ Correspondence address below

Name Craig G. Cochenour, Esq.
Address Buchanan Ingersoll PC
One Oxford Centre, 20th Floor
City Pittsburgh State PA Zip Code 15219
Country US Telephone 412-562-3978 Fax 412-562-1041

Name (Print/Type) Craig G. Cochenour Registration No. (Attorney/Agent) 33,666
Signature Craig G. Cochenour February 4, 2004 Date 2/4/2004

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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17354 U.S. PTO
10/771695

020404



14230 U.S. PTO

PTO/SB/17 (10-03)

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FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27TOTAL AMOUNT OF PAYMENT (\$)²,308**Complete if Known**

Application Number	(to be assigned)
Filing Date	February 4, 2004
First Named Inventor	Paul D. Hanke
Examiner Name	
Art Unit	
Attorney Docket No.	040049

METHOD OF PAYMENT (check all that apply)☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit
Account
Number
Deposit
Account
Name

02-4553

Buchanan Ingersoll PC

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	770
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$) ⁷⁷⁰

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	32	-20** =	12	X	18	=	216
Independent Claims	15	-3** =	12	X	86	=	1032
Multiple Dependent				X	1	=	290

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)^{1,538}

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity

Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)⁻⁻**SUBMITTED BY**

(Complete if applicable)

Name (Print/Type)	Craig G. Cochenour	Registration No. (Attorney/Agent)	33,666	Telephone	412-562-3978
Signature		Date	Feb. 4, 2004		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

CERTIFICATE OF MAILING BY "EXPRESS MAIL" UNDER 37 CFR 1.10 - SEPARATE PAPER		ATTORNEY'S DOCKET NO. 040049
	IN RE APPLICATION OF: Paul D. Hanke, et al.	
	Application Serial No.:	Filing Date: February 4, 2004
	Title: Polynucleotides Encoding A Feedback Resistant Aspartokinase From Corynebacterium	
	Confirmation No.	Examiner

Express Mail mailing label number: EV 256982591 US
 Date of Deposit: February 4, 2004

I hereby certify that this paper or fee is being deposited with the
 United States Postal Service "Express Mail Post Office to Addressee"
 service under 37 CFR 1.10 on the date indicated above and is addressed
 to Mail Stop Patent Application, Commissioner for Patents, P.O. Box
 1450, Alexandria, VA 22313-1450.

Ellie Pingree
 (Typed or printed name of person mailing paper or fee)

Ellie Pingree
 (Signature of person mailing paper or fee)

Buchanan Ingersoll
ATTORNEYS

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February 4, 2004

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

**Re: U.S. Patent Application No. _____, filed February 4, 2004,
which is a divisional of co-pending U.S. Patent Application 09/722,441,
filed November 28, 2000
Title: Polynucleotides Encoding A Feedback Resistant
Aspartokinase From Corynebacterium
First Named Inventor: Paul D. Hanke, et al.
Group Art Unit: _____
Assignee: Archer-Daniels-Midland Company
Attorney Docket No.: 040049**

Dear Sir:

We enclose this letter with the USPTO PTO/SB/05 Form "Utility Patent Application Transmittal" to point out that the above-identified divisional patent application, filed herewith, as well as U.S. Patent Application No. 09/722,441 are now being handled by Buchanan Ingersoll PC. We have today, under separate cover, paid the issue fee for U.S. Patent Application No. 09/722,441.

Enclosed is a copy of a Revocation of Power of Attorney or Authorization of Agent form executed by the Assignee of the entire interest in and to the above-captioned U.S. Patent Application 09/722,441 along with Statement Under 37 CFR 3.73(b) and copies of recorded patent assignments; and a copy of a Power of Attorney or Authorization of Agent form executed by the Assignee of the entire interest in and to the above-captioned U.S. Patent Application 09/722,441 along with Statement 3.73(b) and copies of recorded assignments. An Application Data Sheet is also enclosed for the above-captioned divisional patent application.

Please note that the documents mentioned above set forth a new Power of Attorney to Buchanan Ingersoll PC and therefore sets forth a new correspondence address directed to Buchanan Ingersoll PC for all future communications mailed from the USPTO for the above-captioned Patent Applications.

February 4, 2004

Page -2 -

Please date stamp the enclosed self-addressed stamped post card and return it to us via the U.S. mail service to acknowledge receipt of the above-mentioned items.

The Commissioner is hereby authorized to charge any necessary additional fees associated with this communication or credit any overpayment of fees to Deposit Account No. 02-4553. A duplicate copy of this letter is provided for deposit account purposes.

Respectfully submitted,
Buchanan Ingersoll PC

A handwritten signature in black ink, appearing to read "Craig G. Cochenour". The signature is fluid and cursive, with the first name "Craig" and last name "Cochenour" clearly distinguishable.

Craig G. Cochenour
Registration No. 33,666
Attorney for Assignee of the entire
interest in and to the Application
One Oxford Centre, 20th Floor
301 Grant Street
Pittsburgh, PA 15219
Telephone: 412-562-3978

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Confirmation No. _____

PAUL D. HANKE, *et al.*

Art Unit: _____

Appl. No.: _____, which is a
divisional of U.S. Patent Application
No. 09/722,441 (filed Nov. 28, 2000)
Filed: February 4, 2004

Examiner: _____

Atty. Docket No.: 040049

For: **Polynucleotides Encoding A
Feedback Resistant Aspartokinase
From *Corynebacterium***

STATEMENT CONCERNING MICROORGANISM DEPOSIT

February 4, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Plasmids disclosed in the above-identified Applications were deposited under the terms of the Budapest Treaty on September 16, 1999, September 29, 1999, December 16, 1999, October 31, 2000, and September 17, 2002 at the Agricultural Research Service, Culture Collection (NRRL), 1815 North University Street, Peoria, Illinois 61604, and given accession numbers NRRL-B30219, NRRL-B30221, NRRL-B30218, NRRL-B30220, NRRL-B30222, NRRL-B30228, NRRL-B30233, NRRL-B30236, NRRL-B30237, NRRL-B30359, NRRL-B30234, NRRL-B30235, NRRL-B30628, and NRRL-B30629. Assurance is hereby given that all restrictions on the availability to the public of the deposited plasmids will be irrevocably removed upon the granting of a patent.

Respectfully submitted,
BUCHANAN INGERSOLL PC



Craig G. Cochenour
Registration No. 33,666
Attorney for the Assignee of the entire interest
in and to the above Applications
One Oxford Centre, 20th Floor
Pittsburgh, PA 15219
Telephone: 412-562-3978

Buchanan Ingersoll
ATTORNEYS

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cochenourcg@bipc.com

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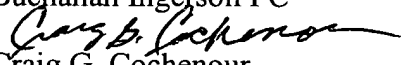
February 4, 2004

Mail Stop PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

**Re: U.S. Patent Application _____, filed February 4, 2004,
which is a divisional of U.S. Patent Application Serial No. 09/722,441,
filed November 28, 2000
Title: Polynucleotides Encoding A Feedback Resistant
Aspartokinase From Corynebacterium
First Named Inventor: Paul D. Hanke
Group Art Unit: _____
Examiner: _____
Confirmation No. : _____
Assignee: Archer-Daniels-Midland Company
Attorney Docket No.: 040049**

Dear Sir:

We enclose a Declaration verifying that the identity of the content of the sequence listing information recorded in computer readable form (CRF) is identical to the written (on paper) sequence listing part of the description of the above-identified Application and includes no new matter in relation to the parent Application to which it claims benefit to. The Commissioner is hereby authorized to charge any necessary additional fees associated with this communication or credit any overpayment of fees to Deposit Account No. 02-4553. A duplicate copy of this letter is provided for deposit account purposes.

Respectfully submitted,
Buchanan Ingersoll PC

Craig G. Cochenour
Registration No. 33,666
Attorney for Assignee of the entire
interest in and to the Applications
One Oxford Centre, 20th Floor
301 Grant Street
Pittsburgh, PA 15219
Telephone: 412-562-3978

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Pittsburgh, PA 15219

Buchanan Ingersoll
ATTORNEYS

Craig G. Cochenour
(412) 562-3978
cochenourcg@bipc.com

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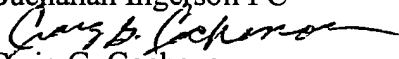
February 4, 2004

Mail Stop PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

**Re: U.S. Patent Application _____, filed February 4, 2004,
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Title: Polynucleotides Encoding A Feedback Resistant
Aspartokinase From Corynebacterium
First Named Inventor: Paul D. Hanke
Group Art Unit: _____
Examiner: _____
Confirmation No. : _____
Assignee: Archer-Daniels-Midland Company
Attorney Docket No.: 040049**

Dear Sir:

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Respectfully submitted,
Buchanan Ingersoll PC

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Registration No. 33,666
Attorney for Assignee of the entire
interest in and to the Applications
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Pittsburgh, PA 15219
Telephone: 412-562-3978